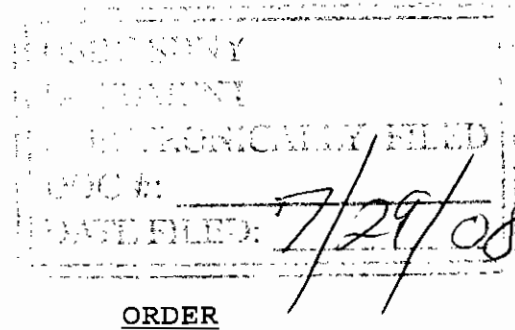


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GARY POOLE, :
 :
 Petitioner, :
 :
 -against- :
 :
 THE PEOPLE OF NEW YORK, :
 :
 Respondent. :
-----X



MICHAEL H. DOLINGER
UNITED STATES MAGISTRATE JUDGE:

The above-named petitioner, Mr. Gary Poole, has petitioned this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. I have, by direction of the Honorable Richard M. Berman, United States District Judge, to whom this matter is assigned, preliminarily considered the petition, in accordance with 28 U.S.C. § 2254, and upon such consideration, I direct that respondents serve and file a response by **SEPTEMBER 29, 2008** showing cause why the writ should not be granted.

The Clerk is directed to serve, by certified mail, a copy of the Order and the underlying Petition on the respondents: (1) James Mance, Superintendent, Marcy Correctional Facility; (2) The Attorney General of the State of New York; and (3) Habeas Unit of the New York County District Attorney's Office, One Hogan Place, New York, New York 10013.

Respondents shall also provide all transcripts and briefs in the trial and appellate courts directly relevant to the matters raised in petitioner's petition. Respondents shall transmit copies of these documents directly to the chambers of the undersigned, in Room 1670 of the Courthouse, in addition to filing these documents with the Clerk's Office.

Petitioner may serve and file reply papers, if any, by no later than **OCTOBER 29, 2008**.

**DATED: New York, New York
July 29, 2008**

SO ORDERED.



**MICHAEL H. DOLINGER
UNITED STATES MAGISTRATE JUDGE**

Copies of the foregoing order have been mailed this date to:

Mr. Gary Poole
(# 06-R-0487)
Marcy Correctional Facility
Box 3600
Old River Road
Marcy, NY 13403

Office of the Attorney General
for the State of New York
Federal Habeas Corpus Litigation
120 Broadway
New York, New York 10271-0332

District Attorney's Office
New York County, Appeals Bureau -- Habeas Unit
One Hogan Place
New York, New York 10013